

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 6915  
9/4/14

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1 CHAPTER 6915. PORT MANSFIELD PUBLIC UTILITY DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 6915.001. DEFINITIONS. In this chapter:

5 (1) "Board" means the board of supervisors of the  
6 district.

7 (2) "District" means the Port Mansfield Public Utility  
8 District.

9 (3) "Supervisor" means a member of the board. (Acts  
10 58th Leg., R.S., Ch. 4, Sec. 1 (part); New.)

11 Source Law

12 Sec. 1. . . . [a . . . District] . . . to be  
13 known as "Port Mansfield Public Utility District,"  
14 hereinafter referred to as the "District," and . . . .

15 Revisor's Note

16 The definitions of "board" and "supervisor" are  
17 added to the revised law for drafting convenience and  
18 to eliminate frequent, unnecessary repetition of the  
19 substance of the definitions.

20 Revised Law

21 Sec. 6915.002. NATURE OF DISTRICT. The district is:

22 (1) a conservation and reclamation district in Willacy  
23 County under Section 59, Article XVI, Texas Constitution;

24 (2) a fresh water supply district; and

25 (3) a municipal corporation. (Acts 58th Leg., R.S.,  
26 Ch. 4, Secs. 1 (part), 7 (part), 8 (part).)

27 Source Law

28 Sec. 1. Under and pursuant to the provisions of  
29 Section 59 of Article XVI, Constitution of Texas, a  
30 Conservation and Reclamation District is hereby  
31 created and incorporated in Willacy County, Texas,  
32 . . . .

33 Sec. 7. . . . Upon the adoption of this Act,  
34 said District shall be a fully created and established  
35 fresh water supply district.

36 Sec. 8. [The Legislature] . . . declares the  
37 District to be a governmental agency, a body politic  
38 and corporate, and a municipal corporation.

1 Revisor's Note

2 (1) Sections 1 and 7, Chapter 4, Acts of the 58th  
3 Legislature, Regular Session, 1963, refer to the  
4 creation, incorporation, and establishment of the  
5 district. The revised law omits "hereby created and  
6 incorporated" and "[u]pon the adoption of this Act,  
7 [said District shall be a] fully created and  
8 established [fresh water supply district]" as  
9 executed.

10 (2) Section 8, Chapter 4, Acts of the 58th  
11 Legislature, Regular Session, 1963, refers to the  
12 district as "a governmental agency, a body politic and  
13 corporate." The revised law omits the quoted language  
14 because it duplicates a portion of Section 59(b),  
15 Article XVI, Texas Constitution, which provides that a  
16 conservation and reclamation district is a  
17 governmental agency and a body politic and corporate.

18 Revised Law

19 Sec. 6915.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
20 The district is created to serve a public use and benefit.

21 (b) All land and other property included in the district  
22 will benefit from the creation of the district and the improvements  
23 that the district will purchase, construct, or otherwise acquire.

24 (c) The district is essential to accomplish the purposes of  
25 Section 59, Article XVI, Texas Constitution. (Acts 58th Leg.,  
26 R.S., Ch. 4, Secs. 7 (part), 8 (part).)

27 Source Law

28 Sec. 7. It is hereby found and determined that  
29 all of the lands and other property included within the  
30 District are, and will be, benefited by the creation of  
31 the District and by the improvements that the District  
32 will purchase, construct, or otherwise acquire, and  
33 that the District is created to serve a public use and  
34 benefit. . . .

35 Sec. 8. The Legislature hereby exercises the  
36 authority conferred upon it by Section 59 of Article  
37 XVI, Constitution of Texas, and declares that the  
38 District created by this Act is essential to the  
39 accomplishment of the purposes of said constitutional  
40 provision; finds that all of the land and other

1 property included therein are, and will be, benefited  
2 thereby and by the improvements that the District will  
3 purchase, construct, or otherwise acquire; and . . . .

4 Revisor's Note

5 Section 8, Chapter 4, Acts of the 58th  
6 Legislature, Regular Session, 1963, states that the  
7 legislature "hereby exercises the authority conferred  
8 upon it by Section 59 of Article XVI, Constitution of  
9 Texas, and declares that" the district "created by  
10 this Act" is essential to accomplish the purposes of  
11 that constitutional provision. The revised law omits  
12 the quoted language as executed.

13 Revised Law

14 Sec. 6915.004. DISTRICT TERRITORY. The district is  
15 composed of the territory described by Section 1, Chapter 4, Acts of  
16 the 58th Legislature, Regular Session, 1963, as that territory may  
17 have been modified under:

18 (1) Subchapter G, Chapter 53, Water Code, before  
19 September 1, 1995;

20 (2) Subchapter J, Chapter 49, Water Code; or

21 (3) other law. (New.)

22 Revisor's Note

23 The revised law does not revise the statutory  
24 language describing the territory of the district to  
25 avoid the lengthy recitation of the description and  
26 because that description may not be accurate on the  
27 effective date of the revision or at the time of a  
28 later reading. For the reader's convenience, the  
29 revised law includes references to the statutory  
30 description of the district's territory and to the  
31 statutory authority to change the district's territory  
32 under Subchapter G, Chapter 53, Water Code, which  
33 applied to the district under Section 2, Chapter 4,  
34 Acts of the 58th Legislature, Regular Session, 1963  
35 (see Section 6915.101 of this chapter), until that

1 subchapter was repealed in 1995, and under Subchapter  
2 J, Chapter 49, Water Code, applicable to the district  
3 under Sections 49.001 and 49.002 of that chapter. The  
4 revised law also includes a reference to the general  
5 authority of the legislature to enact other laws to  
6 change the district's territory.

7 SUBCHAPTER B. DISTRICT ADMINISTRATION

8 Revised Law

9 Sec. 6915.051. COMPOSITION OF BOARD. (a) The board  
10 consists of five supervisors, appointed by the board of navigation  
11 and canal commissioners of the Willacy County Navigation District,  
12 and the port director of the Willacy County Navigation District.

13 (b) The port director of the Willacy County Navigation  
14 District:

- 15 (1) serves as an ex officio member of the board;  
16 (2) does not have voting rights at board meetings; and  
17 (3) is not counted for purposes of establishing a  
18 quorum. (Acts 58th Leg., R.S., Ch. 4, Sec. 3 (part).)

19 Source Law

20 Sec. 3. The management and control of the  
21 District is hereby vested in a Board of five (5)  
22 supervisors and the Port Director of Willacy County  
23 Navigation District, who shall serve as an ex officio  
24 member of said Board of Supervisors. Said Port  
25 Director shall have no voting rights at meetings of  
26 said Board; and [any three (3) supervisors,] exclusive  
27 of said Port Director, [shall constitute a quorum]  
28 . . . . With the exception of the first Board of  
29 Supervisors, said Board shall be appointed, as herein  
30 provided, by the Board of Navigation and Canal  
31 Commissioners of Willacy County Navigation District.  
32 . . .

33 Revisor's Note

34 (1) Section 3, Chapter 4, Acts of the 58th  
35 Legislature, Regular Session, 1963, provides that  
36 "[t]he management and control of the District is  
37 hereby vested" in the board of supervisors. The  
38 revised law omits the quoted language because it  
39 duplicates, in substance, parts of Sections 49.051 and  
40 49.057, Water Code. Throughout this chapter, the

1 revised law omits law that is superseded by Chapter 49,  
2 Water Code, or that duplicates law contained in that  
3 chapter. Chapter 49 (enacted in 1995) applies to the  
4 district under Sections 49.001 and 49.002, Water Code.

5 (2) Section 3, Chapter 4, Acts of the 58th  
6 Legislature, Regular Session, 1963, provides that  
7 three supervisors constitute a quorum and that a  
8 concurrence of three supervisors is sufficient in all  
9 business matters of the district. The revised law  
10 omits that provision because it duplicates, in  
11 substance, Section 49.053, Water Code. The omitted  
12 law reads:

13 Sec. 3. . . . any three (3)  
14 supervisors, . . . shall constitute a  
15 quorum, and a concurrence of any three (3)  
16 supervisors shall be sufficient in all said  
17 District's business matters, as provided by  
18 the General Laws relating to fresh water  
19 supply districts. . . .

20 Revised Law

21 Sec. 6915.052. TERMS. Supervisors serve staggered two-year  
22 terms, with the terms of three supervisors expiring on January 15 of  
23 each odd-numbered year and the terms of two supervisors expiring on  
24 January 15 of each even-numbered year. (Acts 58th Leg., R.S., Ch.  
25 4, Sec. 3 (part).)

26 Source Law

27 Sec. 3. . . . In January, 1965, the Board of  
28 Navigation and Canal Commissioners of Willacy County  
29 Navigation District shall appoint three (3)  
30 supervisors to serve for a term of two (2) years and  
31 two (2) supervisors to serve for a term of one year. In  
32 January, 1966, two (2) supervisors shall be appointed  
33 to serve for a term of two (2) years, and thereafter  
34 three (3) supervisors shall be appointed (for a  
35 two-year term) in one year and two (2) supervisors  
36 shall be appointed (for a two-year term) in the next  
37 year in continuing sequence. The terms of the  
38 supervisors shall expire on the 15th day of January of  
39 the year in which their respective terms would  
40 terminate under the provisions of this Act. . . .

41 Revisor's Note

42 Section 3, Chapter 4, Acts of the 58th  
43 Legislature, Regular Session, 1963, provides for the

1 terms of the initial supervisors appointed in January  
2 of 1965 and 1966. The revised law omits those  
3 provisions as executed but revises the establishment  
4 of a board consisting of five supervisors appointed by  
5 the commissioners of the Willacy County Navigation  
6 District for two-year terms. Section 3 establishes  
7 staggered terms for the succeeding appointed  
8 supervisors on expiration of the terms of the initial  
9 supervisors. The revised law preserves the  
10 establishment of staggered terms.

11 Revised Law

12 Sec. 6915.053. QUALIFICATIONS FOR OFFICE. A supervisor  
13 must be a resident of Willacy County. A supervisor is not required  
14 to reside in or own land in the district. (Acts 58th Leg., R.S., Ch.  
15 4, Sec. 3 (part).)

16 Source Law

17 Sec. 3. . . . A supervisor need not be a  
18 resident or landowner of the District, but must be a  
19 resident of Willacy County, Texas.

20 Revised Law

21 Sec. 6915.054. EMPLOYEES. The board shall employ all  
22 necessary employees for the proper handling and operation of the  
23 district, and may employ a general manager, attorney, bookkeeper,  
24 and engineer and assistants and laborers as may be required, on the  
25 terms and for the compensation set by the board. (Acts 58th Leg.,  
26 R.S., Ch. 4, Sec. 6.)

27 Source Law

28 Sec. 6. The Board of Supervisors shall employ  
29 all necessary employees for the proper handling and  
30 operation of the District, and especially may employ a  
31 general manager, attorneys, bookkeeper and an engineer  
32 and such assistants and laborers as may be required,  
33 upon such terms and for such compensation as shall be  
34 fixed by said Board of Supervisors.

35 Revisor's Note

36 Section 6, Chapter 4, Acts of the 58th  
37 Legislature, Regular Session, 1963, provides that  
38 compensation of employees shall be "fixed" by the

1 board. The revised law substitutes "set" for "fixed"  
2 because the terms are synonymous in this context and  
3 "set" is more commonly used.

4 Revisor's Note  
5 (End of Subchapter)

6 (1) Section 3, Chapter 4, Acts of the 58th  
7 Legislature, Regular Session, 1963, provides that the  
8 board has the powers, authority, and duties conferred  
9 and imposed on a board of supervisors of a fresh water  
10 supply district organized under Chapter 4, Title 128,  
11 Revised Civil Statutes of Texas, 1925. The relevant  
12 provisions of Chapter 4, Title 128, Revised Statutes,  
13 were codified as part of Chapter 53, Water Code, by  
14 Chapter 58, Acts of the 62nd Legislature, Regular  
15 Session, 1971. Chapter 715, Acts of the 74th  
16 Legislature, Regular Session, 1995, repealed many of  
17 the provisions in Chapter 53 relating to the powers and  
18 duties of the board and enacted similar provisions in  
19 Chapter 49, Water Code. Because both Chapter 49  
20 (through Sections 49.001 and 49.002, Water Code) and  
21 Chapter 53 (through Section 2, Chapter 4, Acts of the  
22 58th Legislature, Regular Session, 1963, codified in  
23 pertinent part as Section 6915.101) already apply to  
24 the district, the revised law omits that provision as  
25 unnecessary. The omitted law reads:

26 Sec. 3. . . . Said Board of  
27 Supervisors shall have all of the powers and  
28 authority and duties conferred and imposed  
29 upon boards of supervisors of fresh water  
30 supply districts organized under the  
31 provisions of Chapter 4 of Title 128,  
32 Revised Civil Statutes of Texas, 1925,  
33 together with all amendments thereof and  
34 additions thereto. . . .

35 (2) Section 3, Chapter 4, Acts of the 58th  
36 Legislature, Regular Session, 1963, names the initial  
37 board members, provides for filling a vacancy on that  
38 board, and provides for their terms of office. Because



1 the initial board members' terms have expired, the  
2 revised law omits the language as executed. The  
3 omitted law reads:

4           Sec. 3. . . . The members of the  
5 first Board of Supervisors shall be John  
6 Hudson, D. M. Monsees, J. A. Liles,  
7 J. H. Todd and Clifton A. Bradford. Said  
8 members shall become supervisors  
9 immediately after this Act becomes  
10 effective, and said first Board of  
11 Supervisors shall meet and organize as soon  
12 as practicable after the effective date of  
13 this Act, and shall file their official  
14 bonds. If any of the aforementioned members  
15 of said first Board of Supervisors shall  
16 die, become incapacitated or otherwise not  
17 qualify to assume their duties under this  
18 Act, the Board of Navigation and Canal  
19 Commissioners of the Willacy County  
20 Navigation District shall appoint his or  
21 their successors. The term of office of each  
22 member of the first Board of Supervisors  
23 shall expire on January 15, 1965. . . .

24           SUBCHAPTER C. POWERS AND DUTIES

25                   Revised Law

26           Sec. 6915.101. GENERAL POWERS AND DUTIES. The district has  
27 all the rights, powers, privileges, and duties provided by general  
28 law applicable to a fresh water supply district created under  
29 Section 59, Article XVI, Texas Constitution, including Chapters 49  
30 and 53, Water Code. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

31                   Source Law

32           Sec. 2. The District shall have and exercise,  
33 and is hereby vested with, all of the rights, powers,  
34 privileges and duties conferred and imposed by the  
35 General Laws of the State of Texas now in force or  
36 hereafter enacted, applicable to fresh water supply  
37 districts created under authority of Section 59 of  
38 Article XVI, Constitution of Texas, but . . . .  
39 Without in any way limiting the generalization of the  
40 foregoing, it is expressly provided the District shall  
41 have and exercise, and is hereby vested with, all of  
42 the rights, powers, privileges and duties conferred  
43 and imposed by Chapter 4 of Title 128, Revised Civil  
44 Statutes of Texas, 1925, together with all amendments  
45 thereof and additions thereto, . . . .

46                   Revisor's Note

47           (1) Section 2, Chapter 4, Acts of the 58th  
48 Legislature, Regular Session, 1963, states that the  
49 district "shall have and exercise, and is hereby  
50 vested with," certain rights, powers, privileges, and

1 duties. The revised law substitutes "has" for the  
2 quoted language because, in context, the terms are  
3 synonymous and "has" is more commonly used.

4 (2) Section 2, Chapter 4, Acts of the 58th  
5 Legislature, Regular Session, 1963, states that the  
6 district has the rights, powers, privileges, and  
7 duties "conferred and imposed" by general law. The  
8 revised law substitutes "provided" for the quoted  
9 language because regardless of whether a right, power,  
10 privilege, or duty is "conferred" by general law or  
11 "imposed" by general law, it is not necessary to  
12 characterize in the revised law the nature of the  
13 granting of that authority. In context, "provided" is  
14 synonymous with "conferred and imposed" and "provided"  
15 is more commonly used.

16 (3) Section 2, Chapter 4, Acts of the 58th  
17 Legislature, Regular Session, 1963, refers to the  
18 general laws of this state "now in force or hereafter  
19 enacted." The revised law omits the quoted language as  
20 unnecessary under accepted general principles of  
21 statutory construction. The "General Laws of the  
22 State of Texas" means those laws "in force" at the time  
23 the provision was adopted. It is unnecessary to state  
24 that the district may be granted additional powers by  
25 later enacted laws because those laws apply on their  
26 own terms.

27 (4) Section 2, Chapter 4, Acts of the 58th  
28 Legislature, Regular Session, 1963, provides that  
29 Chapter 4 prevails over the general laws applicable to  
30 fresh water supply districts in case of a conflict and  
31 that those general laws are incorporated by reference.  
32 The revised law omits the portion of the provision  
33 relating to the chapter prevailing over those general  
34 laws because it duplicates, in substance, Section

1       311.026(b), Government Code (Code Construction Act).  
2       The revised law omits the portion of the provision  
3       relating to the incorporation of those general laws by  
4       reference because Section 2 of Chapter 4 (revised in  
5       part as this section) provides that those laws apply to  
6       the district, and it is unnecessary to repeat that  
7       authority. The omitted law reads:

8               Sec. 2. [The District shall have and  
9               exercise, and is hereby vested with, all of  
10              the rights, powers, privileges and duties  
11              conferred and imposed by the General Laws of  
12              the State of Texas now in force or hereafter  
13              enacted, applicable to fresh water supply  
14              districts created under authority of  
15              Section 59 of Article XVI, Constitution of  
16              Texas, but] to the extent that the  
17              provisions of such General Laws may be in  
18              conflict or inconsistent with the  
19              provisions of this Act, the provisions of  
20              this Act shall prevail. All such General  
21              Laws are hereby incorporated by reference  
22              with the same effect as if incorporated in  
23              full in this Act. . . .

24              (5) Section 2, Chapter 4, Acts of the 58th  
25       Legislature, Regular Session, 1963, provides that  
26       "[w]ithout in any way limiting the generalization of  
27       the foregoing" rights, powers, privileges, and duties  
28       provided by general law applicable to fresh water  
29       supply districts, the district has certain express  
30       rights, powers, privileges, and duties. The revised  
31       law omits the quoted language as unnecessary because  
32       an accepted principle of statutory construction  
33       requires a statute to be given cumulative effect with  
34       other statutes unless it provides otherwise or unless  
35       the statutes are in conflict. The general principle  
36       applies to this revision.

37              (6) Section 2, Chapter 4, Acts of the 58th  
38       Legislature, Regular Session, 1963, refers to "Chapter  
39       4 of Title 128, Revised Civil Statutes of Texas, 1925,  
40       together with all amendments thereof and additions  
41       thereto." The revised law substitutes a reference to

Chapter 53, Water Code, for the quoted language because Chapter 4 was codified in 1971 as part of Chapter 53, Water Code, a general law applicable to fresh water supply districts. For the reader's convenience, the revised law includes a reference to Chapter 49, Water Code, because Chapter 715, Acts of the 74th Legislature, Regular Session, 1995, repealed many provisions of Chapter 53 and enacted similar provisions in Chapter 49, Water Code. The revised law omits the phrase "together with all amendments thereof and additions thereto" because under Section 311.027, Government Code (Code Construction Act), a reference to a statute applies to all reenactments, revisions, or amendments of the statute unless expressly provided otherwise.

(7) Section 2, Chapter 4, Acts of the 58th Legislature, Regular Session, 1963, refers to certain powers granted by Articles 7930-4 and 7941c, Vernon's Texas Civil Statutes. The revised law omits those references because the provisions, under which the powers were granted, were included in the 1971 codification of Chapter 53, Water Code, and now are contained in Chapter 53, Water Code (applicable to the district under Section 2, Chapter 4, revised in pertinent part as this section), or have been replaced by provisions of Chapter 49, Water Code (applicable to the district under Sections 49.001 and 49.002, Water Code). The omitted law reads:

Sec. 2. . . . [the District shall have . . . all of the rights, powers, privileges and duties] . . . including all powers and authority relating to sanitary sewer systems and the issuance of bonds therefor as authorized by and provided in Chapter 129, Acts of the Forty-seventh Legislature of Texas, Regular Session, 1941 (Article 7930-4, Vernon's Texas Civil Statutes, 1925, as amended), including the power and authority to issue tax bonds,

1 revenue bonds or tax-revenue bonds as  
2 authorized by and provided in Chapter 233,  
3 Acts of the Fifty-second Legislature of  
4 Texas, Regular Session, 1951 (Article  
5 7941c, Vernon's Texas Civil Statutes, as  
6 amended); . . . .

7 Revised Law

8 Sec. 6915.102. ACQUISITION OF IMPROVEMENTS. The district  
9 may make, construct, or otherwise acquire improvements inside or  
10 outside the district that are necessary to carry out a power granted  
11 to the district under this chapter or a general law described by  
12 Section 6915.101. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

13 Source Law

14 Sec. 2. . . . Said District shall have the  
15 power to make, construct, or otherwise acquire  
16 improvements either within or without the boundaries  
17 thereof necessary to carry out the powers and  
18 authority granted by this Act and said General  
19 Laws. . . .

20 Revisor's Note

21 Section 2, Chapter 4, Acts of the 58th  
22 Legislature, Regular Session, 1963, refers to the  
23 district's "powers and authority." The revised law  
24 omits "authority" as included in the meaning of  
25 "powers."

26 Revised Law

27 Sec. 6915.103. LIMIT ON EMINENT DOMAIN POWER.  
28 Notwithstanding any other provision of this chapter, the district  
29 may not exercise the power of eminent domain outside Willacy  
30 County. (Acts 58th Leg., R.S., Ch. 4, Sec. 2A.)

31 Source Law

32 Sec. 2A. Notwithstanding any other provisions  
33 of this Act, the provisions of eminent domain herein  
34 provided for shall be limited to Willacy County.

35 Revised Law

36 Sec. 6915.104. COST OF RELOCATING OR ALTERING PROPERTY.  
37 (a) In this section, "sole expense" means the actual cost of  
38 relocating, raising, lowering, rerouting, changing the grade of, or  
39 altering the construction of a facility described by Subsection (b)  
40 in providing comparable replacement without enhancement of the

1 facility, after deducting from that cost the net salvage value of  
2 the old facility.

3 (b) If the district's exercise of the power of eminent  
4 domain, the power of relocation, or any other power granted under  
5 this chapter makes necessary relocating, raising, rerouting,  
6 changing the grade of, or altering the construction of a highway,  
7 railroad, electric transmission line, telephone or telegraph  
8 property or facility, or pipeline, the necessary action shall be  
9 accomplished at the sole expense of the district. (Acts 58th Leg.,  
10 R.S., Ch. 4, Sec. 2 (part).)

11 Source Law

12 Sec. 2. . . . In the event that the District in  
13 the exercise of the power of eminent domain or power of  
14 relocation, or any other power granted hereunder,  
15 makes necessary the relocation, raising, rerouting or  
16 changing the grade of, or altering the construction  
17 of, any highway, railroad, electric transmission line,  
18 telephone or telegraph properties and facilities, or  
19 pipeline, all such necessary relocation, raising,  
20 rerouting, changing of grade or alteration of  
21 construction shall be accomplished at the sole expense  
22 of the District. The term "sole expense" shall mean the  
23 actual cost of such relocation, raising, lowering,  
24 rerouting, or change in grade or alteration of  
25 construction in providing comparable replacement  
26 without enhancement of such facilities, after  
27 deducting therefrom the net salvage value derived from  
28 the old facility.

29 Revised Law

30 Sec. 6915.105. DURATION OF CONTRACT FOR WATER PURCHASE OR  
31 SALE. A district contract for the purchase or sale of water may not  
32 exceed 40 years. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

33 Source Law

34 Sec. 2. . . . Such authority of said Board shall  
35 include, but not be limited to, the right to make and  
36 execute District contracts for the purchase and sale  
37 (or either) of water for such periods of time, not  
38 exceeding forty (40) years, as said Board may deem  
39 advisable. . . .

40 Revisor's Note

41 (1) Section 2, Chapter 4, Acts of the 58th  
42 Legislature, Regular Session, 1963, provides that  
43 "[s]uch authority of said Board shall include . . .  
44 the right to make and execute" contracts for the

1 purchase or sale of water as the "Board may deem  
2 advisable." The revised law omits the quoted language  
3 because it duplicates, in substance, Sections  
4 49.213(c) and 49.2261, Water Code.

5 (2) Section 2, Chapter 4, Acts of the 58th  
6 Legislature, Regular Session, 1963, provides that the  
7 authority of the board "shall include, but not be  
8 limited to," the right to make and execute certain  
9 contracts. The revised law omits "but not be limited  
10 to" because under Section 311.005(13), Government Code  
11 (Code Construction Act), "includes" and "including"  
12 are terms of enlargement and not limitation and do not  
13 create a presumption that components not expressed are  
14 excluded.

#### 15 Revised Law

16 Sec. 6915.106. ADDITION OF TERRITORY TO DISTRICT. (a) In  
17 addition to the procedures provided by Subchapter J, Chapter 49,  
18 Water Code, the district may add land that is contiguous to the  
19 district as provided by this section.

20 (b) The owner or owners of land may request by petition that  
21 the board include the land in the district.

22 (c) A petition under Subsection (b) must be filed with the  
23 board and describe the land to be added to the district. The  
24 description may be by metes and bounds or by lot and block number.  
25 The petition must be signed and executed in the manner provided by  
26 law for the conveyance of real estate.

27 (d) The board shall hear and consider a petition filed under  
28 this section. The board may grant the petition and add the land to  
29 the district if the board considers the addition to be to the  
30 advantage of the district.

31 (e) A petition granted under this section shall be filed and  
32 recorded in the deed records of Willacy County. (Acts 58th Leg.,  
33 R.S., Ch. 4, Sec. 5.)

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1 district's authority to act jointly with other  
2 entities. The revised law omits the provision because  
3 it duplicates, in substance, provisions in Section  
4 49.227, Water Code, that provide the district with  
5 authority to act jointly. The omitted law reads:

6           Sec. 2. . . . Said District shall  
7           also have authority to act jointly with  
8           individuals, with firms, with partnerships,  
9           with corporations, with other districts,  
10          with political subdivisions of the State,  
11          with other states, with cities and towns and  
12          with the Federal Government in the  
13          performance and accomplishment of any of  
14          the things permitted hereunder upon such  
15          terms and conditions as may be deemed  
16          advisable by said District's Board of  
17          Supervisors. . . .

18           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

19                           Revised Law

20           Sec. 6915.151. AUTHORIZATION OF CERTAIN DISTRICT  
21 OBLIGATIONS. It is not necessary to have an election to authorize a  
22 district obligation that is payable from any source other than ad  
23 valorem taxation. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

24                           Source Law

25           Sec. 2. . . . [it is expressly provided the  
26 District shall have and exercise, and is hereby vested  
27 with, all of the rights, powers, privileges and duties  
28 conferred and imposed by Chapter 4 of Title 128,  
29 Revised Civil Statutes of Texas, 1925, . . . including  
30 all powers and authority relating to sanitary sewer  
31 systems and the issuance of bonds . . . including the  
32 power and authority to issue tax bonds, revenue bonds  
33 or tax-revenue bonds] . . . provided, however, it  
34 shall not be necessary to have an election to authorize  
35 any District obligations payable from any source other  
36 than ad valorem taxation. . . .

37                           Revised Law

38           Sec. 6915.152. DISTRICT TAX ASSESSOR-COLLECTOR. The tax  
39 assessor-collector for Willacy County is, ex officio, the tax  
40 assessor-collector for the district. (Acts 58th Leg., R.S., Ch. 4,  
41 Sec. 4 (part).)

42                           Source Law

43           Sec. 4. The assessor and collector of taxes in  
44 Willacy County shall, ex officio, be the assessor and  
45 collector of taxes for the District, and . . . .

Revisor's Note  
(End of Subchapter)

(1) Section 4, Chapter 4, Acts of the 58th Legislature, Regular Session, 1963, provides that the levying and collection of taxes by the district are governed by the general laws applicable to fresh water supply districts. Because Section 2 of Chapter 4 (revised in pertinent part as Section 6915.101 of this chapter) provides that the district has all of the powers and duties provided by the general laws applicable to fresh water supply districts, it is unnecessary to provide in this chapter that the levying of taxes by the district is governed by the general laws applicable to such districts. In addition, because Section 1.02, Tax Code, requires all taxing units of government, including fresh water supply districts, to administer the assessment and collection of ad valorem taxes in conformity with Title 1, Tax Code, it is unnecessary to provide in this chapter that the collection of taxes by the district is governed by the general laws applicable to such districts. The omitted law reads:

Sec. 4. . . . except as herein provided, taxes shall be levied and collected under the provisions of the General Laws applicable to fresh water supply districts. . . .

(2) Section 4, Chapter 4, Acts of the 58th Legislature, Regular Session, 1963, includes various provisions relating to procedures for the assessment and collection of property taxes. The revised law omits those provisions because they were repealed by Section 6(b), Chapter 841, Acts of the 66th Legislature, Regular Session, 1979, which repealed all "general, local, and special laws" that conflicted with that act. The 1979 act enacted the Property Tax Code (Title 1, Tax Code), a comprehensive, substantive

1 codification of the laws governing the administration  
2 of property taxes. Title 1, Tax Code, applies to the  
3 district under Section 1.02, Tax Code. The omitted law  
4 reads:

5           Sec. 4. . . . The blanks used by the  
6           assessor and collector to accept rendition  
7           of property for taxation by Willacy County  
8           shall be printed so as to show that the  
9           rendition of property situated in the  
10          District is also made for the benefit of the  
11          District. The property which is situated in  
12          the District shall be clearly indicated on  
13          the approved tax rolls in the office of the  
14          assessor and collector. The value of  
15          property situated in the District as  
16          equalized by the Board of Equalization of  
17          Willacy County, finally approved by the  
18          Commissioners Court of Willacy County and  
19          as extended on the approved tax rolls of  
20          Willacy County, shall constitute the  
21          assessed values of such property for  
22          purposes of District taxation. Within five  
23          (5) days after the approval of the report of  
24          the Board of Equalization by the  
25          Commissioners Court of Willacy County, said  
26          assessor and collector of taxes shall  
27          certify to the District the total assessed  
28          valuation of property situated in the  
29          District according to such approved rolls.  
30          . . .

31           (3) Section 4, Chapter 4, Acts of the 58th  
32          Legislature, Regular Session, 1963, provides for  
33          payment of a fee to the Willacy County tax  
34          assessor-collector for the assessment and collection  
35          of current and delinquent taxes. The revised law omits  
36          that provision for the reason stated in Revisor's Note  
37          (2) to the end of this subchapter. Section 6.27(b),  
38          Tax Code, provides for the compensation of a county tax  
39          assessor-collector assessing and collecting taxes for  
40          another taxing unit, and Chapter 33, Tax Code, governs  
41          the collection of delinquent taxes, including the fees  
42          the county tax assessor-collector may charge. The  
43          omitted law reads:

44           Sec. 4. . . . For his services  
45           rendered to the District in assessing and  
46           collecting taxes for the District, the  
47           Willacy County Tax Assessor and Collector  
48           shall be entitled to deduct from all taxes  
49           thus collected on the current year's tax

1 rolls a sum as agreed upon by the Board of  
2 Supervisors, not to exceed the amount  
3 provided by the General Laws relative to the  
4 assessment, levy and collection of ad  
5 valorem taxes, and for the collection of  
6 delinquent taxes compensation in like  
7 manner to that which he receives in  
8 collecting delinquent state and county  
9 taxes, provided that no duplicated charge  
10 shall be made for costs of suit where a  
11 charge is made in reference to enforcement  
12 of state and county taxes.

13 Revisor's Note  
14 (End of Chapter)

15 Section 9, Chapter 4, Acts of the 58th  
16 Legislature, Regular Session, 1963, provides that the  
17 act is severable. The revised law omits that provision  
18 because the same result is produced by the application  
19 of Section 311.032(c), Government Code (Code  
20 Construction Act), which provides that a provision of  
21 a statute is severable from each other provision of the  
22 statute that can be given effect. The omitted law  
23 reads:

24 Sec. 9. If any word, phrase, clause,  
25 sentence, paragraph, section, or other part  
26 of this Act or the application thereof to  
27 any person or circumstance, shall ever be  
28 held by a court of competent jurisdiction to  
29 be invalid or unconstitutional, the  
30 remainder of the Act and the application of  
31 such word, phrase, clause, sentence,  
32 paragraph, section, or other part of this  
33 Act to other persons or circumstances shall  
34 not be affected thereby.